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5 Honorable Judge Benjamin H. Settle
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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT TACOMA**

11 CLYDE RAY SPENCER ,

12 Plaintiff,

13 NO. C11-5424 BHS

14 v.

15 JAMES M. PETERS, et al.,

16 Defendants.

17 DEFENDANTS' PROPOSED GENERAL
18 VOIR DIRE TO BE ASKED BY THE
19 COURT

20 **TRIAL DATE:**
21 **January 7, 2014**

22 Defendants Davidson and Krause propose the following general questions to be asked to
23 the venire by the Court, in addition to having the jurors answer a confidential juror questionnaire:

24 1. Have you ever met, or heard of, the plaintiff in this lawsuit, Clyde Ray Spencer, who
25 used to work in the Vancouver Police Department? If so, please explain the circumstances.

26 2. The plaintiff is represented by Kathleen Zellner and Douglas Johnson from the law
27 firm of Kathleen T. Zellner & Associates, located in Downers Grove, Illinois, and by Daniel
28 Davies from the law firm of Davis Wright Tremaine, located in Seattle Washington. Have you or
29 any members of your immediate family ever had contact with Ms. Zellner, Mr. Johnson, or Mr.
30 Davies, or with any members of their law firms? If so, please explain the circumstances.

31 3. Have you or any members of your immediate family ever been employed by the
32 Vancouver Police Department located in Clark County, Washington? If so, please explain the

1 employment relationship.

2 4. Have you ever met, or heard of, the defendants in this lawsuit, Michael Davidson and
3 Sharon Krause, who used to work for the Clark County Sheriff's Office? If so, please explain the
4 circumstances.

5 5. Have you or any members of your immediate family ever been employed by Clark
6 County, including the Clark County Sheriff's Office or the Clark County Prosecuting Attorney's
7 Office? If so, please explain the employment relationship.

8 6. Defendant Sharon Krause is represented by Guy Bogdanovich from the law firm of
9 Law, Lyman, Daniel, Kamerrer & Bogdanovich, located in Olympia, Washington. Have you or
10 any members of your immediate family ever had contact with Mr. Bogdanovich, or with any
11 members of his law firm? If so, please explain the circumstances.

12 7. Defendant Michael Davidson is represented by Jeff Freimund from the law firm of
13 Freimund Jackson & Tardif, located in Olympia, Washington. Have you or any members of your
14 immediate family ever had contact with Mr. Freimund, or with any members of his law firm? If
15 so, please explain the circumstances.

16 8. Have you, any members of your family or close friends, ever met or had contact with
17 any of the possible witnesses in this case, whose names are: [SEE PRETRIAL ORDER FOR
18 WITNESS LIST] If so, please explain the circumstances.

19 9. Have you or your family members or close friends ever been involved in a lawsuit
20 against the federal or state governments, or any local government agency, such as a county or city
21 employees or agencies? If so, please explain the circumstances.

22 10. Have you or your family members or close friends ever been involved in a claim or
23 lawsuit in which someone sued to recover money damages for alleged personal injuries? If so,
24 please explain the circumstances.

25 11. Have you, or any members of your family or close friends, ever been physically or
26 sexually assaulted, or a victim of other violent crimes? If so, please explain the circumstances.

1 12. How many of you have had interactions with police officers which caused you to
2 form an impression about police generally, whether good or bad? Please explain your
3 impressions.

4 13. Do any of you have strong feelings or beliefs about the honesty or integrity of police
5 officers? If so, please explain the nature of your feelings or beliefs.

6 14. Have any of you heard of this case brought by plaintiff Clyde Ray Spencer against
7 defendants Michael Davidson and Sharon Krause? If so, please explain what you have heard.

8 15. Based on what little you know of this case so far, do any of you know of any reason
9 why you might not be able to try this case impartially and be fair to both the plaintiff and the
10 defendants?

11 16. Does anyone here not want to sit on this jury? Please explain why not.

12 17. If we were to do a role reversal and you were one of the lawyers for the parties trying
13 to find a fair and impartial jury, is there anything about your life experiences that you think might
14 be important for the lawyers to know about you? Please explain.

15 18. Who among you would characterize yourself as generally being a leader in group
16 situations? Please provide some examples of what you mean.

17 19. Have any of you ever been the foreperson or presiding juror in a jury trial before?
18 Were you able to reach a verdict?

19 20. Do any of you who believe you might have difficulty following the law as given to
20 you by the Court at the end of this case even though you may personally believe the law is, or
21 ought to be, different?

22 21. Do any of you believe you have techniques or ways to tell whether someone is being
23 truthful? Please explain what techniques you use.

24 22. Do any of you believe that you have a medical, physical, mental, or emotional
25 condition that might affect your capability to serve as a juror and to listen to the evidence
26 presented during this trial? Please explain.

23. This trial will probably take about three weeks. Do any of you have any pressing employment, business, or personal commitments that would cause you an undue hardship and prevent you from serving on this jury? Please explain.

RESPECTFULLY SUBMITTED this 17th day of December, 2013.

s/ Guy Bogdanovich
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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2013, I caused to be electronically filed Defendants' Proposed General Voir Dire to be Asked by the Court with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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